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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,225	11/09/2005	Axel Kohnke	915-006.098	4862
4955 7590 12/28/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER LAI, MICHAEL C	
			ART UNIT 2157	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/556,225	Applicant(s) KOHNKE, AXEL	
	Examiner Michael C. Lai	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9 nov 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responsive to communication filed on 11/09/2005. This application is a 371 of PCT/IB03/01812 filed on 05/09/2003. Claims 1-20 have been examined.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 15 and 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 15 recites the limitation of "Computer program product... comprising loadable program code sections for..." As such, the claim covers embodiments directed to program code, per se. The claim is being rejected as non-statutory as directed to a form of program rather than a patent-eligible machine, manufacture, process or composition of matter.

Claim 17 recites the limitation of "Computer data signal embodied in a carrier wave ..." As such, the claim covers embodiments directed to signals and waves, per se. The claim is being rejected as non-statutory as directed to a form of energy rather than a patent-eligible machine, manufacture, process or composition of matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-4 and 6-20 are rejected under 35 U.S.C. 102(e) as being anticipated by De Beer (2003/0165227, hereinafter De Beer).

Regarding claim 1, De Beer discloses a method for retrieval of network information comprising network information about network operators associated with a telephone number, said method comprising:

coding a request comprising one or more telephone numbers [para. 52, step 43, generates a request message in the SMS format];

transmitting said request to a network serving entity for performing said network information retrieval [para. 53, step 45];

receiving a response from said network serving entity, said response comprising network information about network operators relating to said one or more telephone numbers [para. 0055, step 47];

decoding said response to extract said network information [para. 0055, lines 1-6]; and

storing said network information in conjunction with said one or more telephone numbers [para. 0055, step 48].

Regarding claim 2, De Beer discloses a method according to claim 1, comprising:

receiving a response which is structured into at least one information record which includes one telephone number of said one or more telephone numbers and a network information relating to said one telephone number [FIG. 6 and para. 0054].

Regarding claim 3, De Beer discloses a method according to claim 1, comprising:

selecting said one or more telephone numbers from a plurality of telephone numbers stored in a telephone directory of a communication terminal [para. 0123, phonebook].

Regarding claim 4, De Beer discloses a method according to claim 3, wherein said selecting is performed manually by a user of said communication terminal [para. 0052].

Regarding claim 6, De Beer discloses a method according to claim 3, wherein said telephone directory is for storing telephone directory entries each of which includes at least a designation and a telephone number, wherein said method comprises:

identifying at least one telephone directory entry, to which said at least one information record relates, on the basis of said one telephone number that is included in said information record [para. 0057];

storing said network information by including said network information into said at least one identified telephone directory entry [para. 0055, step 48].

Regarding claim 7, De Beer discloses a method according to claim 1, wherein said network information comprises at least information about a network operator, in particular information about an identity of said network operator [para. 0054, updating information and service provider].

Regarding claim 8, De Beer discloses a method according to claim 1, wherein said network information comprises charging information [para. 0004, updating information and charging rate].

Regarding claim 9, De Beer discloses a method for network information comprising network information about network operators associated with a telephone number, said method comprising:

receiving a request from a communication terminal, wherein said request comprises one or more telephone numbers [para. 0054, note that "the control

center responds by sending a response message to the mobile" implies that it has received a request from the mobile.];

decoding said request to extract said one or more telephone numbers [para. 0053, note that the mobile sending the request message in SMS format to the control center implies the message must be decoded by the control center];

retrieving network information about network operators relating to said one or more telephone numbers [FIG. 2 and para. 0038, the control center 7 and the database 10];

coding a response which comprises said retrieved network information [para. 0055, note that decoding the response message from the control center implies coding the response message by the control center]; and

transmitting said response to said communication terminal [para. 0054, step 46].

Regarding claim 10, De Beer discloses a method according to claim 9, comprising:

retrieving network information by accessing a data storage which stores network information which relates to a plurality of telephone numbers [FIG. 2 and para. 0038, the control center 7 and the database 10].

Regarding claim 11, De Beer discloses a method according to claim 9, comprising:

coding said response which is structured into at least one information record including one telephone number of said one or more telephone numbers

and network information which relates to said one telephone number [para. 0055, note that decoding the response message from the control center implies coding the response message by the control center].

Regarding claim 12, De Beer discloses a method according to claim 9, wherein said network information comprises at least information about a network operator, in particular information about an identity of said network operator [para. 0054, updating information and service provider].

Regarding claim 13, De Beer discloses a method according to claim 9, wherein said network information comprises charging information [para. 0004, updating information and charging rate].

Claim 14 is a combination of claims 1 and 9. It is rejected for the same reasons for both claims 1 and 9.

Claim 15 is of the same scope as claim 1. It is rejected for the same reason for claim 1.

Claim 16 is of the same scope as claim 1. It is rejected for the same reason for claim 1.

Claim 17 is of the same scope as claim 1. It is rejected for the same reason for claim 1.

Claim 18 is of the same scope as claim 1. It is rejected for the same reason for claim 1.

Claim 19 is of the same scope as claim 9. It is rejected for the same reason for claim 9.

Claim 20 is of the same scope as claim 14. It is rejected for the same reason for claim 14.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Beer as applied to claim 3, and in view of Tomiyori (US 5,305,372, hereinafter Tomiyori).

Regarding claim 5, De Beer discloses a method according to claim 3, but silent about wherein said selecting is performed automatically in accordance with a pre-defined selection definition. However, Tomiyori teaches a speed dialing memory storing a plurality of destination address numbers corresponding to user-defined speed dialing codes [col. 1, lines 44-50 and col. 2, lines 61-68]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Tomiyori's teaching into De Beer's method for the purpose of speed dialing by a pre-defined selection definition, thereby providing a more user friendly service.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Lai whose telephone number is (571) 270-3236. The examiner can normally be reached on M-F 8:30 - 5:00 EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Michael C. Lai
10DEC2007



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